

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – November 16, 2009**

The Regular Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 7:30 P.M.

Roll Call: Boyle, McDonald, Gleba, Higgins, Valentine - Present
Housel – 7:35 p.m.
Cioni - Absent

Also Present: Richard Cushing , Esq. Municipal Attorney
Rich Phelan, Borough Manager
Kristine Blanchard, Borough Clerk

Mayor McDonald led everyone in the flag salute.

Mayor McDonald read the following Statement into the Record:

“The requirements of the ‘Open Public Meetings Law, 1975, Chapter 231 have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and posted on the Bulletin Board of Borough Hall stating the time, place and purpose of the meeting as required by law.

MINUTES

Motion made by Higgins, seconded by Valentine to approve the minutes from the November 4, 2009 regular meeting.

Several corrections were noted by Councilman Higgins and Councilwoman Gleba and noted by the Clerk.

Ayes: 6, Nays: 0
Motion Carried

COUNCIL APPEARANCE

Kevin Shoudt – Veolia Water

Mr. Shoudt stated that the flows at the sewer plant are down from 2008 which brings the monthly average down to about 39,000 gallons a day. Resolving the I and I issues are the main contributor of bringing the flows down. Mr. Shoudt reported that the annual maintenance was done in April of this year. He also reported that this year he became certified in thermal imaging. The DEP was on site in October for compliance inspection. The electrical controls at Kinnaman Avenue have also been replaced. A manhole

inventory was done on the system and 95 manhole cover inserts were installed. Sump pump inspections were done on 70 homes and there are about 7 remaining homes that need to be inspected.

Regarding the sump pump and roof drains; most homeowners were receptive and let us in to inspect. Manager Phelan stated that subsequent letters have been sent to the 7 homeowners; however they have been unresponsive. The last time this was discussed with Council; Council decided to send out one last letter to these homeowners. Attorney Cushing explained to Council that the Borough could impose a recurring penalty until we are allowed in to inspect or another option is to issue a summons and the judge would impose a fine for failure to allow inspection. Councilman Boyle inquired as to what was done in other municipalities. Mr. Shoudt stated that generally a surcharge is imposed until compliance. Attorney Cushing stated that Council may want to consider issuing a notice of violation and indicate to the homeowners that there will be fines and penalties. This should be sent by regular mail and certified mail. Councilman Higgins made a motion to send another, letter regular mail and certified mail, outlining what will happen if they don't comply, this was seconded by Councilman Housel. Council agreed that the deadline will be in two weeks.

Ayes: 6, Nays: 0
Motion Carried

Councilman Higgins asked Mr. Shoudt if the Borough needs to prepare to do inspections on the sewer plant as the contract will be nearing an end in several years. Mr. Shoudt will research and bring the information back to Council.

Charles Smith Director of Government Affairs Comcast

Mr. Smith stated that the Borough is in the process of going through the Franchise renewal process. The current franchise agreement expires in April of 2010. A formal application was sent to the municipality containing technical data. A report could have been filed with Comcast on any concerns that you may have had however; the deadline for the filing of that report has passed. A public hearing is scheduled for December 15 on the Comcast application. Councilman Boyle asked how the Borough would negotiate the terms of the contract. Attorney Cushing explained that there are limited areas that a municipality can have an impact on the franchise renewal. A large component of the negotiations is negotiating a potential contribution to the community to assist in a project. The municipality has no impact over content and over amount that the Cable company charges. Councilman Higgins asked if the BPU will grant Comcast a franchise renewal without the Governing Bodies approval. Mr. Smith stated that if we were unable to reach an agreement Comcast can file the renewal with the BPU. Mayor McDonald stated that the next step is meeting with the Committee to begin negotiations. The committee members are Council members Higgins, Gleba, and McDonald.

AUDIENCE:

RJ Sherman – Gardners Court.

Mr. Sherman stated that he received a letter stating that the Borough is not plowing or maintaining private alleys anymore. Mr. Sherman asked for clarification on what part of the street the Borough is referring to. Manager Phelan stated that it is the double alley with the trees. Mr. Sherman pointed out that the Borough's easement goes all the way around that street. Manager Phelan stated that we checked with the assessor and the county.. Mr. Sherman asked if the garbage will still be picked up. Manager Phelan stated that garbage will still be picked; however the Borough will just not be maintaining the road. Mr. Sherman asked how emergency services will be handled if there is an emergency during a snowstorm. Manager Phelan stated that the health, safety, and welfare of the citizens will not be in jeopardy. If there is an immediate health issue the Borough will take care of it.

Motion made by Housel, seconded by Higgins to close the audience portion of the meeting.

Ayes: 6, Nays: 0
Motion Carried

ORDINANCES

None

REPORTS:

It was moved by Housel, seconded by Higgins, to receive and file the following reports.

1. Issues and Details
2. Fire Prevention Monthly Report
3. Zoning/Code Enforcement
4. Washington Business Improvement District Business Plan

Ms. Cerami, Executive Director of the BID stated that a formal budget proposal will be given to the Governing Body in 2010. She stated that BID welcomes comments or suggestions based on the business plan.

Councilman Housel inquired about the request for a mirror on a pole. Manager Phelan stated the request is for Hahn Terrace. The engineer has reviewed that street and has determined that visibility is fine and a mirror is not necessary. Manager Phelan stated that he will work with the homeowners on this issue.

COMMITTEE REPORTS:

Redevelopment Committee: No Report

DPW Garage: No Report

Sewer Committee: No Report

Streets Committee: No Report

Finance Committee: No Report

Shared Services Committee: No Report

Senior Services: No Report

Website Committee: - No Report

Concession Stand Committee – No Report

Recreation Report – No Report

Parking Lot Committee – A suggestion was made to do away with the Parking Lot Committee and make it the newly formed Park Committee.

VOUCHERS AND CLAIMS

Mayor McDonald entertained questions or additions to the vouchers and claims for payments that were not previously addressed before the meeting. Motion made by Higgins, seconded by Housel to pay the vouchers and claims in the amount of \$325,027.57.

Councilman Higgins asked about the charges to legal advertising for Recreation. Manager Phelan stated that the Borough has a new CFO and right now her priorities are fixing the General Ledger, the trust accounts, or making sure we have enough money to get through the rest of 2009 and 2010. We are keeping track of it manually. Councilman Higgins asked why we are making a partial payment to Supplee and Clooney. Manager Phelan stated that we don't have enough money right now to pay them in full and they have agreed to a partial payment. Councilman Higgins asked for a letter from them stating that they have agreed to that. Council also inquired why Washington Township was charging the Borough property taxes on property that we own in the township. Manager Phelan stated that they were told by the state that they could charge us taxes. Council requested that Manager Phelan contact the state to inquire about that.

Roll Call: Gleba, Valentine, McDonald, Higgins, Boyle, Housel – Yes

Ayes: 6, Nays: 0

Abstain: 0

Motion Carried

OLD BUSINESS:

Hicks Request for Water Meter Chamber on Harrison/Garfield Street

Alan Lowcher, Esq. Attorney for Sam Hicks

Mr. Lowcher stated that the water company is requiring the Borough's permission to allow Mr. Hicks to install a water service line for a residential lot. Manager Phelan sent a letter with a list of requests from Council and I provided that information on October 30th. Attorney Lowcher asked if Council had any questions. Mayor McDonald stated that there is correspondence from Mr. Anthony regarding a dispute over who owns the property.

Charles Anthony 8 Brooklyn Boulevard

Mr. Anthony stated that there is a question regarding ownership of the easement. Mr. Anthony explained that there are three property owners in addition to Mr. Hicks who would have to sign off on the water line installation as they all have ownership and would have to agree to the town granting an easement. Mr. Lowcher stated that he is not sure the Board of Adjustment had an issue with Mr. Anthony's objection. Attorney Cushing noted that he believes that Garfield was dedicated to the municipality and the municipality has declined to take the dedication. He stated that this seems like an alleged property dispute. Attorney Cushing stated that this is more of a case of two property owners in a dispute. Motion made by Housel, seconded by Boyle to have the property owners work the dispute out.

Ayes: 6, Nays: 0

Motion Carried

NEW BUSINESS

Resolution 210-2009 Transfer of Appropriations

Resolution 210-2009 was moved on a motion made by Housel, seconded by Higgins for discussion.

Councilman Higgins stated that the "to and from" columns are confusing. Manager Phelan stated that anything that says from indicates that there is a balance in that account

and it should be moved. Councilman Higgins asked if Recreation agreed to give up the \$81, 678.00. Manager Phelan indicated he discussed this with all of the department heads. Councilman Higgins stated that he would prefer to see exactly which account the money is to be transferred from and exactly what amount is going into each account.

Councilman Boyle stated that Council members are not CFO's and need more information with this type of resolution. Councilman Higgins stated that here we are in November and we are being told that we are not going to make it until the end of the year if we don't pass this resolution. Manager Phelan stated that he does not have all the tools that he needs to work with. He stated the Borough has a part time CFO who comes in for a half day once a week. Manager Phelan stated that transfer resolutions are done in November for every municipality. Councilman Higgins asked if we have enough money to pay the bills presented at this meeting. Manager Phelan stated yes. Councilman Boyle indicated that he needs to make an informed decision; Council does not live municipal government every day.

Roll Call: Housel, Gleba, McDonald, Valentine – Yes
Higgins, Boyle – No

Ayes: 4, Nays: 2
Motion Failed

Councilman Higgins motioned for a five minute recess, seconded by Councilman Boyle.

Ayes: 6, Nays: 0
Motion Carried

Councilman Boyle stated that he reconsidered his position and motioned to re-introduce Resolution 219-2009, seconded by Councilman Higgins.

Councilman Boyle stated he does not want to be presented with a lackadaisical resolution when the significance of the resolution is extremely important.

Councilman Higgins stated whether its \$200,000 or \$2.00, Council needs to know in advance.

Roll Call: Boyle, Higgins, Housel, Gleba, McDonald, Valentine

Ayes: 6, Nays: 0
Motion Carried

RESOLUTION # 219-2009

A RESOLUTION AUTHORIZING THE TRANSFER OF APPROPRIATIONS

WHEREAS, N.J.S.A. 40A: 4-58 provides for the transfer of excess appropriations by not less than 2/3 vote of the full membership of the governing body during the last two months of the fiscal year; and

WHEREAS, the Borough Manager and the Chief Financial Officer have determined that excess appropriations do exist in some accounts and there is a need for supplemental appropriations in other accounts.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey, that the following appropriation transfers are hereby approved:

		TO:	FROM:
Police	Other Expenses	175,000.00	
Liability Insurance	Workers' Comp	8,800.00	
Fire Hydrants	Other Expenses	8,500.00	
PFRS	Other Expenses	9,213.12	
Fire and Safety Code Enforcement	Other Expenses	350.00	
Board of Adjustments	Other Expenses	375.00	
Recreation	Other Expenses		81,678.00
Health Insurance	Other Expenses		17,000.00
Legal	Other Expenses		25,000.00
Financial Admin	Salaries and Wages		12,000.00
Financial Admin	Other Expenses		2,000.00
Social Security	Other Expenses		10,000.00
General Administration	Salaries and Wages		19,000.00

General Administration	Other Expenses	5,000.00
Tax Assessor	Salaries and Wages	3,000.00
Utilities	Gasoline	10,000.00
Planning	Other Expenses	9,000.00
Utilities	Sewer Disposal Fees	5,000.00
Emergency Management	Salaries and Wages	1,000.00
Fire Safety	Salaries and Wages	1,000.00
Municipal Court	Salaries and Wages	1,000.00
PEOSHA	Other Expenses	560.12
TOTAL:		202,238.12 202,238.12

Resolution 220-2009 Appointing Municipal Housing Liaison

Resolution 220-2009 was moved on a motion made by Housel, seconded by Gleba and adopted.

Roll Call; Housel, Gleba, McDonald, Valentine, Boyle, Higgins

Ayes: 6, Nays: 0
Motion Carried

RESOLUTION APPOINTING A MUNICIPAL HOUSING LIASION
WITHIN THE BOROUGH OF WASHINGTON

WHEREAS, the Governing Body of the Borough of Washington is petitioning the Council on Affordable Housing (COAH) for substantive certification of its Housing Element and Fair Share Plan; and

WHEREAS, the Borough of Washington’s Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.) and COAH’s Third Round Substantive Rules (N.J.A.C. 5:94-1, et. seq.); and

WHEREAS, pursuant to N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et. seq., the Borough of Washington is required to appoint a Municipal Housing Liaison for the administration of the Borough of Washington’s affordable housing program to enforce the requirements of N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et. seq.; and

WHEREAS, the Borough of Washington’s Revised General Ordinances, Chapter 94, Article IX, entitled “Housing Officer” provides for the appointment of a Municipal Housing Liaison to administer the Borough of Washington’s affordable housing program.

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Washington, County of Warren, State of New Jersey that Richard Phelan is hereby appointed as the Municipal Housing Liaison for the administration of the affordable housing program, pursuant to and in accordance with the State statues and Borough ordinances indicated above.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Council on Affordable Housing, Heyer, Gruel & Associates, and the Washington Borough Planning Board.

Resolution 221-2009 Certification of the Housing Element and Fair Share Plan to the Council on Affordable Housing

Resolution 221-2009 was moved on a motion made by Housel, seconded by Valentine and adopted.

Ayes: 6, Nays: 0
Motion Carried

**RESOLUTION SUBMITTING A PETITION FOR
SUBSTANTIVE CERTIFICATION
OF THE HOUSING ELEMENT AND FAIR SHARE PLAN TO THE COUNCIL
ON AFFORDABLE HOUSING**

WHEREAS, the Planning Board of the Borough of Washington, County of Warren, State of New Jersey, adopted the Housing Element of the Master Plan on November 9, 2009; and

WHEREAS, a true copy of the resolution of the Planning Board adopting the Housing Element is attached pursuant to N.J.A.C. 5:96-2.2(a)2; and

WHEREAS, the Planning Board adopted the Fair Share Plan on November 9, 2009; and

WHEREAS, a true copy of the resolution of the Planning Board adopting the Fair Share Plan is attached pursuant to N.J.A.C. 5:96-2.2(a)2.

NOW THEREFORE BE IT RESOLVED that the Governing Body of the Borough of Washington, County of Warren, State of New Jersey, hereby endorses the Housing Element and Fair Share Plan as adopted by the Borough of Washington Planning Board; and

BE IT FURTHER RESOLVED that the Governing Body of Borough of Washington, pursuant to the provisions of N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:96-3.2(a), submits this petition for substantive certification of the Housing Element and Fair Share Plan to the Council on Affordable Housing for review and certification; and

BE IT FURTHER RESOLVED that a list of names and addresses for all owners of sites in the Housing Element and Fair Share Plan has been included with the petition; and

BE IT FURTHER RESOLVED that notice of this petition for substantive certification shall be published in a newspaper of countywide circulation pursuant to N.J.A.C. 5:96-3.5 within seven days of issuance of the notification letter from the Council on Affordable Housing's Executive Director indicating that the submission is complete and that a copy of this resolution, the adopted Housing Element and Fair Share Plan and all supporting documentation shall be made available for public inspection at the Borough of Washington municipal clerk's office located at 100 Belvidere Avenue, during the hours of 8:30 A.M. to 12:00 P.M. and 1:00 P.M. to 4:30 P.M. on Monday through Friday for a period of 45 days following the date of publication of the legal notice pursuant to N.J.A.C. 5:96-3.5.

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Council on Affordable Housing, Washington Borough Planning Board, and Heyer, Gruel & Associates.

RECAP

Manager Phelan stated that he will send a final letter to the residents who need to comply with the sump pump inspections, he will obtain a letter from Supplee and Clooney stated

that a partial payment is acceptable, and he will obtain a breakdown from the CFO indicating where the money is going to and from for the transfer resolution.

COUNCIL REMARKS

Councilman Housel requested that the Borough Manager find out if the Borough or the Township is mowing the strip of land off of Kinnaman Avenue near Fletcher road.

Councilman Boyle asked about the abandoned properties list. Manager Phelan indicated it is being compiled and we can schedule a public hearing in January. He also indicated that the leaves need to be cleaned out of the storm sewer on Lambert Street.

Councilman Higgins asked about the letter from Mr. Bond and who will be responding. Mayor McDonald indicated that he will respond however Council can respond as well if they believe it is necessary. Councilman Higgins asked if the contract was sent out for the garbage disposal. Manager Phelan stated yes. Councilman Higgins stated that he thought the Borough contracted with someone to do the General Ledger. Manager Phelan stated that we do not this year. He indicated he has part time people doing full time work and these things will not get fixed overnight. Manager Phelan stated that he is not a CFO and he relies on the information that she gives me. The finance department is working hard to fix the problems however it will take time. Manager Phelan stated that it is difficult to fix problems without the proper tools. Councilman Higgins stated that he has to respond to the people that elected him therefore he needs more information prior to voting on a transfer resolution that is significant. Manager Phelan stated that the Borough will continue to have financial problems until we get a handle on the cash flow.

Councilman Housel left at 10:00 p.m.

Councilwoman Gleba asked what will happen with the professionals where we only received one proposal. Manager Phelan stated that the Borough can advertise again. Motion made by Gleba to advertise again for the Municipal Planner, Tax Appeal Attorney, and to advertise for the Municipal Attorney. Motion seconded by Higgins.

Ayes: 6, Nays: 0
Motion Carried

Councilwoman Gleba asked if Council is going to have another budget workshop meeting. Manager Phelan indicated that another one will be scheduled in early 2010.

Mayor McDonald stated that he read a proclamation for education week at Taylor St. School and will read one for Memorial School tomorrow.

Hearing no further business to come before Council, it was moved by Higgins, seconded by Boyle that the meeting be adjourned at 10:45 p.m.

Ayes: 5, Nays: 0.
Motion carried.

Mayor Scott McDonald

Kristine Blanchard, RMC Borough Clerk